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Company: USPTO	From: Wendy W. Koba
Attention: Allan W. Olsen	Pages including cover sheet:
Fax No.: 703-872-9306	Date: November 16, 2004
Re: Serial No. 09/934,283	

☒ Urgent ☐ Please review ☐ Please Comment ☐ Please Reply ☐ For your information

Case Name: O'Brien 12
Serial Number: 09/934,283
Filing Date: August 21, 2001
Examiner: Allan W. Olsen
Title: Improved Step Etalon

In response to a final office action dated September 16, 2004 attached please find the following:

1. Transmittal Form (1 page)
2. Certificate of Transmission under 37 CFR 1.8 (1 page)
3. Claims as Amended (1 page)
4. Amendment (5 pages)

Respectfully submitted,

Wendy W. Koba

Wendy W. Koba, Esq.

PTO/SB/97 (09-04)

Approved for use through 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Certificate of Transmission under 37 CFR 1.8

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Wendy W. Koba
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Wendy W. Koba

Typed or printed name of person signing Certificate

30509

Registration Number, if applicable

610-346-7112

Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

1. Fax Cover Sheet
2. Claims as Amended
3. Amendment

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/21 (09-04)

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/934,283	RECEIVED CENTRAL FAX CENTER NOV 16 2004
	Filing Date	August 21, 2001	
	First Named Inventor	O'Brien	
	Art Unit	1763	
	Examiner Name	Allan W. Olsen	
Total Number of Pages in This Submission	Attorney Docket Number	12	

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Fax cover sheet 2. Cert. of mailing
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Wendy W. Koba, Esq.		
Signature	<i>Wendy W. Koba</i>		
Printed name	Wendy W. Koba		
Date	11/16/04	Reg. No.	30509

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature	<i>Wendy W. Koba</i>		
Typed or printed name	Wendy W. Koba	Date	11/16/04

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

CASE O'Brien 12

SERIAL NO. 09/934,283

GROUP ART UNIT 1763

FILED August 21, 2001

EXAMINER Allan W. Olsen

TITLE Improved Step Etalon

COMMISSIONER OF PATENTS

P.O. Box 1450

Alexandria, VA 22313-1450

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SIR

Enclosed is an amendment in the above-identified application:

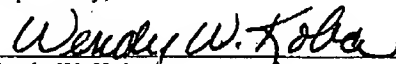
☒ No additional fee is required, as shown below.☐ Please charge the amount of \$ _____ to Agere Systems Inc. Deposit Account No. 501735 to cover the fee as calculated below. Duplicate copies of this letter are enclosed.CLAIMS AS AMENDED

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE
TOTAL CLAIMS FOR FEE PURPOSES	4	MINUS	18	0	X \$18	0
INDEPENDENT CLAIMS	1	MINUS	7	0	X \$88	0
MULTIPLE DEPENDENT CLAIM(S) First presented with this amendment, if applicable					X \$300	0
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

In the event of non-payment or improper payment of a required fee, the Commissioner is authorized to charge or to credit Deposit Account No. 501735 as required to correct the error.

Please address all correspondence to Wendy W. Koba, P.O. Box 556, Springtown, PA 18081-0556.

Respectfully,


Wendy W. Koba
Reg. No. 30509
Attorney for Applicant(s)
610-346-7112

Date: 11/16/04

O'Brien 12

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

Patent Application**Inventor(s)** Stephen O'Brien**Case** 12**Conf. No.** 8609**Serial No.** 09/934,283**Group Art Unit** 1763**Filing Date** August 21, 2001**Examiner** Allan W. Olsen**Title** Improved Step Etalon

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AMENDMENT AFTER FINAL

In response to the Office action dated September 16, 2004 (application Paper No. not shown), please amend the above-identified application as follows: